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09-24371/1911445187

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

IN RE:

John Preston Smith

Debtors.

Chase Home Finance LLC

Secured Creditor,

vs.

John Preston Smith, Debtors; Russell A. Brown,
Trustee.

Respondents.

No. 2:09-bk-23113-RJH

Chapter 13

OBJECTION TO 13 PLAN

Chase Home Finance LLC, a secured creditor, by its attorneys, TIFFANY & BOSCO, P.A., hereby objects to the proposed 13 Plan filed by the Debtor for the following reasons:

1. Chase Home Finance LLC, files this response to the proposed 13 Plan of the Debtor. The Chapter 13 Plan provides for an impermissible cram down of Chase Home Finance LLC,'s lien interest on the real property commonly known as 21731 W. Pima St., Buckeye AZ 85326.

1 2. Chase Home Finance LLC objects to the Real Property to be classified as an "Investment
2 Property". According to the records of Pinal and Maricopa County Recorder's Office, the
3 Debtor obtained several Mortgage loans on multiple properties alleging that they were his main
4 residence all of which require the Debtor to occupy the property for at least one year. These
5 properties were acquired with months of each other and therefore would make it impossible for
6 the Debtor to live at mutiple residences at the same time.

7 3. Chase Home Finance LLC, objects to the value of the subject real property as Debtor
8 arbitrarily proposes that the fair market value of Secured Creditor's claim is without
9 providing any legal or factual authority for such capricious treatment. Such modification is
10 simply not supported by the Bankruptcy Code or the facts of this case.

11 WHEREFORE, secured creditor prays as follows:

12 (1) That the 13 Plan be denied.

13 (2) For such other relief as this Court deems proper.

14 DATED this 30th day of October, 2009.

15 Respectfully submitted,

16 TIFFANY & BOSCO, P.A.

17 BY /s/ MSB # 010167

18 Mark S. Bosco

19 Leonard J. McDonald

 Attorneys for Secured Creditor

20 COPY of the foregoing mailed
21 October 30, 2009 to:

22 John Preston Smith
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25 Debtors

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By: Wendy VanLuven

